

## Regulatory Language

### Option 1 – There is no NMFS closure of federal waters before May 1.

Section 27.80, Title 14, CCR is amended to read:

#### **§27.80. Salmon.**

(a) Methods of take:

(1) General Provisions. Only by angling as defined in Section 1.05. No sinkers or weights exceeding four pounds may be used, except that a fishing line may be attached to a sinker or weight of any size if such sinker or weight is suspended by a separate line and the fishing line is released automatically by a mechanical device from the sinker or weight when any fish is hooked. See sections ~~1.74~~, 28.65 and 28.70.

(2) Barbless Hooks. No more than two (2) single point, single shank barbless hooks shall be used in the ocean north of Point Conception (34°27'00" N. lat.) when salmon fishing or fishing from any boat or floating device with salmon on board.

(3) Other Hook Restrictions. When fishing with bait in the ocean between Horse Mountain (40°05'00" N. lat.) and Point Conception, if angling by any other means than trolling, then no more than two (2) single point, single shank, barbless circle hooks shall be used. The distance between the two hooks must not exceed five inches when measured from the top of the eye of the top hook to the inner base of the curve of the lower hook, and both hooks must be permanently tied in place (hard tied). A circle hook is defined as a hook with a generally circular shape, and a point which turns inwards, pointing directly to the shank at a 90 degree angle. Trolling is defined as angling from a boat or floating device that is making way by means of a source of power, other than drifting by means of the prevailing water current or weather conditions. See Section 28.65(g).

(4) One Rod Restriction north of Point Conception. Salmon may be taken by angling with no more than one rod in ocean waters north of Point Conception. See Section 28.65(e).

(b) Season:

(1) North of Horse Mountain (40°05'00" N. lat.) and Humboldt Bay. All waters of the ocean north of Horse Mountain and in Humboldt Bay are open to salmon fishing from ~~May 10 through September 4, 2007. (Note: In 2008 [May 1-August 31] through September [1-30], 2008. (Note: In 2009,~~ the season will be decided in April by the Pacific Fishery Management Council and California Fish and Game Commission and the section will be amended pursuant to the regulatory process.)

Exception: The ocean area surrounding the Klamath River mouth bounded on the north by 41°38'48" N lat. (approximately 6 nautical miles north of the Klamath River mouth), on the south by 41°26'48" N. lat. (approximately 6 nautical miles south of the Klamath River mouth), and extending 3 nautical miles offshore is closed to salmon fishing between August 1 and August 31. No salmon may be taken at any time in ocean waters at the mouths of the Smith and Klamath rivers and during August and September at the mouth of the Eel River. See Section 27.75.

(2) Between Horse Mountain and Point Arena (38°57'30" N. lat.). All waters of the ocean between Horse Mountain and Point Arena are open to salmon fishing from ~~February 17 through November 11, 2007. (Note: In 2008, the season will open February 16.)~~February 16 through [April 7-November 16], 2008. (Note: In 2009, the season will open February 14.)

(3) Between Point Arena and Pigeon Point (37°11'00" N. lat.). All waters of the ocean between Point Arena and Pigeon Point are open to fishing from ~~April 7 through November 11, 2007. (Note: In 2008, the season will open April 5.)~~April 5 through [April 7-November 9], 2008. (Note: In 2009, the season will open April 4.)

Exception: The San Francisco Bay will remain open to salmon fishing from April 5 to [April 7-November 9]. For purposes of this regulation, the San Francisco Bay is defined as the waters of San Francisco and San Pablo bays plus all their tidal bays, tidal portions of their rivers and streams, sloughs and estuaries between Golden Gate Bridge and Carquinez Bridge unless otherwise noted in Section 7.50.

~~(4) South of Pigeon Point. All waters of the ocean south of Pigeon Point are open to salmon fishing from April 7 through October 7, 2007. (Note: In 2008, the season will open April 5.)~~

(4) Between Pigeon Point and Point Sur (36°18'00" N. lat.). All waters of the ocean between Pigeon Point and Point Sur are open to salmon fishing from April 5 through [April 7-October 5], 2008. (Note: In 2009, the season will open April 4.)

(5) South of Point Sur. All waters of the ocean south of Point Sur are open to salmon fishing from April 5 through [April 7-October 5], 2008. (Note: In 2009, the season will open April 4.)

(c) Limit:

(1) North of Horse Mountain: ~~Two~~[0-2] salmon per day. See subsection ~~(e)(2)~~ (c)(3) below and Section 1.17.

(2) South of Horse Mountain: [0-2] salmon per day. See subsection (c)(2) below and Section 1.17.

(3) Statewide Silver (coho) Salmon Restrictions: No silver (coho) salmon may be retained.

(d) Minimum size:

(1) North of Horse Mountain: ~~Twenty-four~~[20-24] inches total length.

(2) South of Horse Mountain: ~~Twenty~~[20-24] inches total length.

NOTE: Authority cited: Sections 200, 202, 205, 220, 240, 316.5, and 2084, Fish and Game Code. Reference: Sections 200, 202, 205, 316.5, and 2084, Fish and Game Code.

## **Option 2 – NMFS closes federal waters before May 1.**

Section 27.80, Title 14, CCR is amended to read:

### **§27.80. Salmon.**

(a) Methods of take:

(1) General Provisions. Only by angling as defined in Section 1.05. No sinkers or weights exceeding four pounds may be used, except that a fishing line may be attached to a sinker or weight of any size if such sinker or weight is suspended by a separate line and the fishing line is released automatically by a mechanical device from the sinker or weight when any fish is hooked. See sections ~~1.74~~, 28.65 and 28.70.

(2) Barbless Hooks. No more than two (2) single point, single shank barbless hooks shall be used in the ocean north of Point Conception (34°27'00" N. lat.) when salmon fishing or fishing from any boat or floating device with salmon on board.

(3) Other Hook Restrictions. When fishing with bait in the ocean between Horse Mountain (40°05'00" N. lat.) and Point Conception, if angling by any other means than trolling, then no more than two (2) single point, single shank, barbless circle hooks shall be used. The distance between the two hooks must not exceed five inches when measured from the top of the eye of the top hook to the inner base of the curve of the lower hook, and both hooks must be permanently tied in place (hard tied). A circle hook is defined as a hook with a generally circular shape, and a point which turns inwards, pointing directly to the shank at a 90 degree angle. Trolling is defined as angling from a boat or floating device that is making way by means of a source of power, other than drifting by means of the prevailing water current or weather conditions. See Section 28.65(g).

(4) One Rod Restriction north of Point Conception. Salmon may be taken by angling with no more than one rod in ocean waters north of Point Conception. See Section 28.65(e).

(b) Season:

(1) North of Horse Mountain (40°05'00" N. lat.) and Humboldt Bay. All waters of the ocean north of Horse Mountain and in Humboldt Bay are open to salmon fishing from ~~May 10 through September 4, 2007.~~ (Note: In 2008 This area will be closed for 2008. (Note: In 2009, the season will be decided in April by the Pacific Fishery Management Council and California Fish and Game Commission and the section will be amended pursuant to the regulatory process.)

Exception: The ocean area surrounding the Klamath River mouth bounded on the north by 41°38'48" N lat. (approximately 6 nautical miles north of the Klamath River mouth), on the south by 41°26'48" N. lat. (approximately 6 nautical miles south of the Klamath River mouth), and extending 3 nautical miles offshore is closed to salmon fishing between August 1 and August 31. No salmon may be taken at any time in ocean waters at the mouths of the Smith and Klamath rivers and during August and September at the mouth of the Eel River. See Section 27.75.

(2) Between Horse Mountain and Point Arena (38°57'30" N. lat.). All waters of the ocean between Horse Mountain and Point Arena are open to salmon fishing from ~~February 17 through November 11, 2007. (Note: In 2008, the season will open February 16.)~~February 16 through [April 7-November 16], 2008. (Note: In 2009, the season will open February 14.)

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Exception: The San Francisco Bay will remain open to salmon fishing from April 5 to [April 7-November 9]. For purposes of this regulation, the San Francisco Bay is defined as the waters of San Francisco and San Pablo bays plus all their tidal bays, tidal portions of their rivers and streams, sloughs and estuaries between Golden Gate Bridge and Carquinez Bridge unless otherwise noted in Section 7.50.

~~(4) South of Pigeon Point. All waters of the ocean south of Pigeon Point are open to salmon fishing from April 7 through October 7, 2007. (Note: In 2008, the season will open April 5.)~~

(4) Between Pigeon Point and Point Sur (36°18'00" N. lat.). All waters of the ocean between Pigeon Point and Point Sur are open to salmon fishing from April 5 through [April 7-October 5], 2008. (Note: In 2009, the season will open April 4.)

(5) South of Point Sur. All waters of the ocean south of Point Sur are open to salmon fishing from April 5 through [April 7-October 5], 2008. (Note: In 2009, the season will open April 4.)

(c) Limit:

(1) North of Horse Mountain: ~~Two~~[0-2] salmon per day. See subsection ~~(e)(2)~~ (c)(3) below and Section 1.17.

(2) South of Horse Mountain: [0-2] salmon per day. See subsection (c)(2) below and Section 1.17.

(3) Statewide Silver (coho) Salmon Restrictions: No silver (coho) salmon may be retained.

(d) Minimum size:

(1) North of Horse Mountain: ~~Twenty-four~~[20-24] inches total length.

(2) South of Horse Mountain: ~~Twenty~~[20-24] inches total length.

NOTE: Authority cited: Sections 200, 202, 205, 220, 240, 316.5, and 2084, Fish and Game Code. Reference: Sections 200, 202, 205, 316.5, and 2084, Fish and Game Code.